

## Limitation of Individual Rights (Due Process)

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### Policy

Individual rights as citizens are not limited except through legal proceedings such as guardianship, when the individual is posing immediate danger to themselves or others, or if the planning team has agreed to the limitation of the consumer's rights and all limitations have gone through due process.

### Procedure

If it is deemed necessary to propose any limitation of rights to an individual, the following procedure and appeal process will be followed:

1. The agency will contact the person, the Regional Center, the person's family, guardian, or advocate to meet as a team to determine if a rights restriction is warranted in lieu or in conjunction with positive behavior supports.
2. The individual and their guardian shall receive written notification of the rights restriction to include specific rights which will be limited, the length of time they will be limited, how frequently it will be reviewed, the actions the person must demonstrate or eliminate in order to no longer have these limitations, and the process for appealing the decision.
3. Signed documentation is present that the individual was involved with the decision to limit rights.
4. The agency shall make every effort to make sure the individual is aware of the proposed limitation of their rights. The agency shall use those communicational aides at their disposal to ensure the individual can comprehend to the best of their abilities, the proposed limitation of their rights.
5. Within seven (7) working days after notification of the proposed limitations, the individual will meet with a review panel to present their response to the proposed limitation of rights. (The review panel will include the Board President, Director, and a Service Coordinator from the Regional Center.) The review panel, as needed will utilize available resources (Attorney, People First Chapter, DMH Client Rights Monitor (800-364-9687), MO Protection & Advocacy, etc) for in-service training or for additional information.
6. In the event the individual and their advocate disagree with the proposed limitation of rights and cannot reach a resolution with the review panel, they may appeal in writing to

request a meeting with the Board of Directors at their next regularly scheduled meeting during the month which follows the request. The agency will assist the individual and their advocate with any questions pertaining to the appeal and inform them as to when and where their appeal will be reviewed

**7.** The length of time on limiting the rights of any individual shall be reviewed on a quarterly basis, and shall be formally approved by the review panel on a yearly basis.

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